

GAO

United States General Accounting Office

Report to Congressional Requesters



AD-A266 938



May 1993

CLASSIFIED
INFORMATION

Volume Could Be
Reduced by Changing
Retention Policy



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United States
General Accounting Office
Washington, D.C. 20548

National Security and
International Affairs Division

B-252006

May 24, 1993

The Honorable John Conyers, Jr.
Chairman, Committee on Government Operations
House of Representatives

The Honorable Lee Hamilton
Chairman, Committee on Foreign Affairs
House of Representatives

DTIC
ELECTE
JUL 14 1993
S E D

This report addresses your concerns about whether government agencies are properly classifying and declassifying national security information. It makes recommendations on ways to improve the declassification process and to minimize unwarranted classification.

Unless you publicly announce its contents earlier, we plan no further distribution of this report until 30 days from its issue date. At that time, we will send copies to the Secretaries of Defense and State, the Administrator of the General Services Administration, the Archivist of the United States, and interested congressional committees. We will make copies available to others upon request.

If you or your staff have any questions concerning this report, please call me on (202) 512-4128. Other major contributors to this report were Stewart L. Tomlinson, Assistant Director; Barbara Schmitt, Evaluator-in-Charge; and Gregory Nixon, Evaluator.

Joseph E. Kelley

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International Affairs Issues

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Executive Summary

Purpose

The U.S. government maintains a large but unquantifiable volume of classified documents, some dating to before World War II. The Chairmen, House Committees on Government Operations and on Foreign Affairs, expressed concerns about whether this is warranted and asked GAO to review the classification of national security information. Accordingly, GAO examined the reasons for the retention of large volumes of documents as classified for long periods of time. GAO also reviewed documents for classification errors, reports on governmentwide classification and declassification activity and adherence to policies and procedures, and various executive orders that have governed national security information.

Background

Executive Order 12356, "National Security Information," has governed the classification and handling of information relating to national defense or foreign relations since 1982. It retained, for the most part, the policies and procedures established by previous orders. However, Executive Order 12356 made significant changes in how long information may be considered classified by eliminating automatic declassification periods prescribed by earlier orders and by requiring review if a declassification date or event were not specified.

The General Services Administration's Information Security Oversight Office (ISOO) is responsible for implementing and monitoring the governmentwide information security program and, subject to the approval of the National Security Council, develops directives for the implementation of the Executive Order.

The volume of classified documents held by executive branch agencies is unknown, although it is quite large. ISOO officials stated that the volume of classified material increased during the 1980s, but that growth has declined recently. During fiscal year 1992, federal officials made more than 6.3 million original and derivative classification decisions and 74 federal agencies handled classified information. The Department of Defense accounted for 54 percent and the Department of State accounted for 3 percent of all classification decisions made in 1992.

Results in Brief

The major reason that the U.S. government maintains a large volume of classified information is that declassification is unnecessarily delayed. According to ISOO, government officials exempted most material from the automatic declassification procedures of the previous executive order because they believed that the prescribed maximum period was too short.

Currently, the classifiers are contributing to unnecessary retention of classified material by not indicating a specific date or event for automatic declassification. Thus, with the absence of a maximum period for automatic declassification under current procedures, most national security information will not become available to the public for at least 30 years. At that time, declassification reviews are provided for under the current system, but they are time-consuming and backlogs are significant. The need to retain classification on these documents for this long period is questionable since special requests for earlier reviews result in more than 90 percent of the material being fully or partially declassified.

Other factors contribute to the amount of classified material retained. Some documents are erroneously marked, which results in some information being classified when it is not or being overclassified. This is a particular problem at the Department of State, where officials classified most documents in full rather than designate which portions actually contain classified information.

Principal Findings

Questionable Perpetuation of Classification

According to ISOO, automatic declassification periods were virtually eliminated by Executive Order 12356 because classifiers used the automatic 6-year declassification required under the previous order only 10 percent of the time and because ISOO and agency reviewers believed that information requiring longer protection was being declassified. Now, many classifiers routinely designate their material "OADR"—Originating Agency's Determination Required—which results in an indefinite period of classification and requires an individual declassification review. However, ISOO estimates that between 10 percent and 18 percent of classified documents could be marked with a date or event for declassification, as allowed under the current order, but, since fiscal year 1988, classifiers have used a date or event for only 7 percent of the documents governmentwide. GAO found similar conditions in a high percentage of the Defense and State Department documents it reviewed. The high usage of OADR increases when another official derives material from these documents and is thereby required to use the same designator.

The high usage of such designations not only results in long retention periods for classified material, but also appears unwarranted when the

results of declassification reviews are examined. For example, government records show that in recent years more than 90 percent of the material reviewed pursuant to mandatory reviews—that is, specific requests from agencies, researchers, historians, or other private citizens—was fully or partially declassified. In addition to the declassification reviews conducted upon request, historically valuable records are to be systematically reviewed as they become 30 years old. In 1992, over 233,000 pages were examined under the requested reviews, and almost 11 million pages were examined under systematic reviews. Of those pages reviewed through the systematic review process, 88 percent were declassified.

However, declassification is a time-consuming process, and staff resources are limited for conducting declassification reviews. The National Archives and Records Administration (NARA) estimated that more than 304 million pages await systematic declassification review. Of these, the Defense Department prepared about 270 million pages, and the State Department prepared about 18 million pages.

The high declassification rates achieved for both requested and systematic reviews, as well as the dramatic changes in the world's political environment, raise questions as to whether reinstatement of an automatic declassification period is possible. GAO recognizes that some information should probably remain classified for indefinite or undefinable periods of time and should be considered as exceptions to automatic declassification procedures. Automatic declassification must balance the need to provide the necessary protection for national security information with public access to information that no longer affects national security.

Improper Classification

ISOO reviews and GAO analysis of classified documents indicate that unwarranted classification and marking errors occur regularly and that classifiers are not always marking which portions of a document are classified and which are not. For example, almost 7 percent of the 8,418 documents ISOO reviewed in 1991 and 3 percent of the 10,933 documents ISOO reviewed in 1992 should not have been classified or contained portions that were unnecessarily classified. GAO found that 4 percent of the documents it reviewed were unnecessarily classified and questioned the classification of another 12.5 percent. As a result, some information is being overclassified, including some that should not be classified. Individual classifiers are not fully aware of criteria for justifying classification and use experience and judgment to make decisions instead of established criteria.

Misapplication of a portion marking waiver at the State Department is a more systemic problem. The Department authorized its officials to classify certain documents in full rather than designate which portions actually contain classified information. Such a waiver is allowed by the executive order, but State officials are using it beyond the stated purpose. The waiver is to be used only on documents that have little opportunity for external distribution and derivative use. Nevertheless, GAO found that almost all of the documents examined were not portion marked, regardless of destination and use. ISOO is also concerned about this misuse and points out that unnecessary classification is thus perpetuated when others derive material from such documents.

Recommendations

GAO recommends that the Director, ISOO, in coordination with the National Security Council, (1) determine a maximum period of time for automatic declassification, balancing the need to protect national security information with the need to enhance public access to information that does not warrant protection and (2) initiate action to revise the executive order governing national security information. To reduce the high volume of classified records maintained by federal agencies, GAO recommends that the executive order should

- eliminate authorization for the use of undefined declassification designators such as OADR;
- require agencies to automatically declassify national security information without review on a specific date or event or no later than the maximum period of time after origination as determined by ISOO;
- establish classes of information that can be exempted from automatic declassification and require agency heads to submit notice to ISOO when such exemptions are invoked;
- require agency heads to submit written justification for extending classification beyond the maximum period for nonexempted categories of information; and
- require that agencies obtain authorization from ISOO before invoking waivers to the portion marking requirement.

GAO also recommends that the Secretary of State require that the Department's classifying officials apply its current waiver only to internal documents as authorized.

Agency Comments

GAO obtained written comments from ISOO, NARA, and the Departments of Defense and State (see apps. III, IV, V, and VI). The agencies generally concurred with the report and provided observations about the classification program or the declassification process. ISOO suggested technical corrections that GAO made as appropriate. NARA pointed out that the recommendations will affect documents to be created and that the burdensome process of reviewing and declassifying previously classified documents is a problem that also needs to be addressed. It also said that to reduce the volume of classified material, exemptions to automatic declassification should be minimal and that classifying agencies should be required to segregate exempted material from nonexempt material to reduce the time-consuming declassification review process.

The Department of Defense noted that the scope of GAO's document review was limited and that, accordingly, the conclusions and recommendations may not reflect circumstances in each Defense component. GAO recognized in the draft and final report that the documents it reviewed did not necessarily represent the entire universe of documents. Instead, GAO used its document review to supplement its analysis of executive orders and agency procedures, ISOO reports, and discussions with agency officials. Therefore, GAO believes that its conclusions and recommendations have broader application.

The Department of State said that it has scheduled Information Security Reviews of the bureaus and posts, with the expectation that these reviews will help to correct the deficiencies noted in the report. It also noted that it has recently added a portion marking instruction to its Foreign Affairs Manual that lists no exemptions from the portion marking requirement.

On April 26, 1993, the President issued a directive tasking ISOO to coordinate a review of Executive Order 12356 and other directives relating to the protection of national security information. ISOO's objective is to draft a new executive order that reflects the need to classify and safeguard national security information in the post Cold War period, including steps to declassify information as quickly as possible.

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Abbreviations

DOD	Department of Defense
GAO	General Accounting Office
ISOO	Information Security Oversight Office
NARA	National Archives and Records Administration
OADR	Originating Agency's Determination Required
OUSE/P	Office of the Under Secretary of Defense for Policy

Introduction

The U.S. government maintains a large but unquantifiable volume of classified documents, some dating to before World War II. Executive orders have governed the classification and handling of national security information since 1938.¹ More recent orders were published in 1953, 1972, 1978, and 1982. Appendix II compares sections of the different orders.

Executive Order 12356, "National Security Information," prescribes the uniform system for classifying, declassifying, and safeguarding national security information. President Reagan signed the order in April 1982 to replace Executive Order 12065, which had been in effect since December 1978. The new order continued the authority of the Information Security Oversight Office (ISOO) in the General Services Administration to implement and monitor functions of the national security information program and described general responsibilities for agencies that generate or handle classified information. The National Security Council provides overall policy direction for the program.

Executive Order 12356 Revised the Administration of National Security Information

Executive Order 12356 retained many of the classification and declassification policies and procedures in effect, but it revised and reversed some of the prior policies and procedures. The reasons cited for the changes include an attempt to remove excessive administrative burden and balance government openness and accessibility with protection of national security information.

Executive Order 12356 defined nine categories of information that can be classified, adding three to the previous order. The three new categories were vulnerabilities or capabilities of systems, installations, projects, or plans relating to national security; cryptology; and confidential sources. The order retained the three levels of classification—top secret, secret, and confidential—established by the previous orders. The order defined top secret as information that, if disclosed without authorization, could reasonably be expected to cause exceptionally grave damage to U.S. national security. Unauthorized disclosure of secret information could cause serious damage, and release of confidential information could cause damage to national security.

The 1978 order directed that when reasonable doubt existed as to the need for classification or level of classification, the information should not be classified or classified at the lower level. In contrast, Executive Order

¹National security information released to or in the possession of nongovernment entities is administered under other executive orders and directives. Statistics cited in this report do not include the industrial classification program.

12356 stated that such information shall be safeguarded as if it were classified or protected at the higher level pending further determination.

The 1978 order stated that information shall be declassified "as early as national security considerations permit" and established a 6-year time frame for automatic declassification with certain exceptions. Executive Order 12356 reversed these policies and stated that information shall be classified "as long as required by national security considerations," adding that a specific date or event for automatic declassification shall be set, if possible. If a date or event could not be determined, the notation, "Originating Agency's Determination Required" (OADR), was to be marked on the document. As the term implies, the originating agency must review the information to determine when and if its release would no longer harm national security.

As in the previous orders, the 1982 order required the Archivist of the United States to systematically review historically valuable documents for declassification. Other federal agencies were to conduct systematic reviews on a voluntary basis. ISOO Directive No. 1 established 30 years as the time at which most systematic reviews would begin, extending the 20-year time frame established by the 1978 order. In addition, the 1982 order continued the requirement for agencies to conduct declassification reviews of more current classified material upon request under conditions found in the order.

Executive Order 12356 defined who may classify national security information—generally, the President, agency heads, and officials so delegated as in past orders. People who restate or reproduce classified information are required to observe all original classification decisions and markings, a process known as derivative classification.

Executive Order 12356 defined the type of information that must be marked on each classified document, making few changes to previous orders. At a minimum, the level of classification, classifying authority and agency, and a date or event for declassification or the OADR notation were required. The order also required classifiers to indicate the classified portions, the level of classification, and unclassified portions. Executive Order 12356 permitted agency heads to grant or revoke waivers for this portion marking requirement, whereas ISOO was to approve or revoke waivers under Executive Order 12065.

Agency Regulations and Guidelines

As in previous orders, Executive Order 12356 required agencies to appoint a senior official to administer information security programs, including oversight and security education, and to prepare implementing regulations. With regard to the agencies we reviewed, the Department of Defense (DOD) reissued "Information Security Program Regulation" (DOD 5200.1-R) and the Department of State reissued "Security Regulations" in its Foreign Affairs Manual (5 FAM 900). These regulations define the primary security policies and procedures to be followed in the respective agencies. In addition, DOD's Security Assistance Management Manual defines classification and declassification procedures for security assistance requests, congressional notifications, and other related correspondence.

Volume of Classified Material

ISOO officials stated that it is difficult to quantify the total amount of classified information in the federal government. In ISOO's view, the volume of classified information includes three very distinct groups: (1) original classification decisions, which constitute a very small fraction of the total volume; (2) derivative classification decisions, which are significantly greater in number than original decisions but still a small percentage of the total; and (3) duplications or copies of classified information, which constitute the overwhelmingly largest amount of the total. Achieving a reliable estimate would be costly and require significant supplemental funding. ISOO has stated that these costs would exceed the benefits derived from having an accurate estimate and knowing the volume of classified information would have minimal impact on program policy or operations.

ISOO officials said that the volume of classified material grew during the 1980s, even though they cannot quantify it. Further, they said that growth declined by the late 1980s and has declined even more since the end of Desert Shield and Desert Storm. The officials attributed much of the growth that did occur to improvements in communications and reproduction technology, which facilitate derivative duplication and use, rather than generation of more original classified information.

As shown in table 1.1, the total number of original and derivative classification decisions, which can involve one page or numerous pages, increased slightly between 1989 and 1991. However, a significant decrease occurred in 1992, attributable in part to geopolitical changes and decreased DOD derivative classification activity.

**Table 1.1: Governmentwide
Classification Activity**

Decisions in thousands

Fiscal year	Number of reported		
	Original classification decisions	Derivative classification decisions	Total decisions
1984	881.9	18,725.8	19,607.7
1985	830.6	21,492.2	22,322.9
1986 ^a	1,221.1	9,548.5	10,769.6
1987	2,030.8	9,825.1	11,855.9
1988	2,508.7	7,920.7	10,429.4
1989 ^a	501.8	6,294.7	6,796.5
1990	491.0	6,306.7	6,797.7
1991	511.9	6,595.1	7,017.0
1992	480.8	5,868.7	6,439.5

^aISOO reported that the statistics concerning classification decisions include DOD figures that reflect its use of a revised sampling system in fiscal year 1986. ISOO believes that fiscal year 1989 statistics reflect the Department of the Navy's efforts to correct serious deficiencies in its prior sampling and reporting methods.

Source: ISOO

Objectives, Scope, and Methodology

The Chairmen, House Committees on Government Operations and on Foreign Affairs, expressed concerns about the large volume of classified documents and requested that we review the classification of national security information. Accordingly, we examined (1) the reasons for retention of documents as classified and (2) if declassification procedures could be changed to reduce the volume of classified documents maintained by the federal government. As agreed with the requesters, we performed our work in the Office of the Under Secretary of Defense for Policy (OUSD/P) and in the Bureaus of European and Canadian Affairs and Politico-Military Affairs in the Department of State. We reviewed pertinent regulations, discussed the classification program and security education with responsible officials, and reviewed classified documents prepared by these offices to determine why the documents were classified and whether they were adhering to appropriate policies and procedures. Appendix I contains a description of the documents we reviewed.

We discussed pertinent policies, procedures, regulations, and executive orders with ISOO officials; reviewed ISOO's reports on governmentwide classification and declassification activity; and examined its reviews of the

Departments of Defense and State regarding adherence to policies and procedures. We obtained information on government holdings of classified information from the National Archives and Records Administration (NARA) and discussed the classification program and executive order changes with its officials to assess the impact on declassification procedures. We also analyzed the executive orders governing classification of national security information since 1953.

We conducted our review from February 1992 through January 1993 in accordance with generally accepted government auditing standards. We requested and received comments on our draft report from ISOO, NARA, and the Departments of Defense and State. These comments are addressed throughout the report and are reproduced in appendixes III, IV, V, and VI.

Material Being Retained as Classified Longer Than Necessary

The reasons for the large volume of classified material being maintained by U.S. government agencies are more attributable to how long the data should remain classified than whether the data should have been classified in the first place. Although we did find problems with regard to initial classification decisions (see ch. 3), we believe that the great number of determinations to retain material as classified for 30 years or more is a more significant problem. ISOO is considering changes to the classification system in an attempt to improve governmentwide policies and procedures.

Automatic Declassification Has Fallen Into Disuse

Earlier executive orders directed that national security information be declassified automatically on a specified date or after a specific event or downgraded after a specified interval of years had passed. For example, in 1972, Executive Order 11652 directed the downgrading of classified information in periodic intervals so that declassification occurred after 10 years for top secret, 8 years for secret, and 6 years for confidential material. In 1978, Executive Order 12065 directed that information was to be automatically declassified 6 years after origination. Both orders allowed certain categories of information, such as intelligence data or foreign government information, to be exempted from the automatic declassification provisions and required the originating agency to establish declassification procedures for the exempted material.

In 1982, Executive Order 12356 eliminated the use of a maximum period of time for automatic declassification. Instead, it directed that "information shall be classified as long as required by national security considerations" and, when it can be determined, the original classification authority shall set a specific date or event for declassification. ISOO Directive No. 1 stated that information not to be automatically declassified, that is, when no date or event can be determined, will be marked OADR.

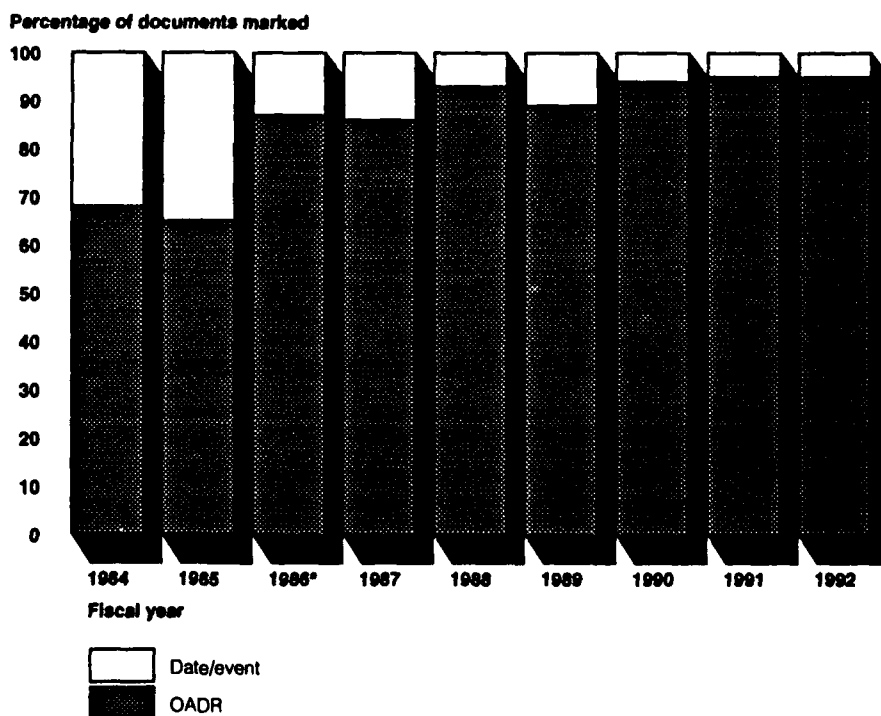
ISOO officials stated that automatic declassification procedures of Executive Order 12065 and earlier orders did not work. They had found that, in practice, the 6-year automatic declassification was used less than 10 percent of the time and extensions to 20 years were authorized about 65 percent of the time. For the remaining 25 percent of the declassification decisions, classifiers created a "review in 6 years" provision, even though it was not specifically authorized in Executive Order 12065. Because reviewers were encountering difficulty in complying with the unspecified 6-year review, let alone the 20-year review, and because ISOO and agency reviewers believed that information that clearly required longer protection

was being declassified, Executive Order 12356 eliminated the 6-year automatic declassification provision in Executive Order 12065.

Extensive Use of OADR

With the introduction of OADR in 1982, documents retain their classification until they are specifically reviewed for declassification unless the originator determines a date or event for declassification. However, as shown in figure 2.1, most originators of classified documents do not establish a date or event for declassification and, moreover, the percentage of documents designated as OADR has increased from 65 percent to 95 percent in recent years.

Figure 2.1: Duration of Original Classification Decisions—Governmentwide



*In fiscal year 1986, DOD's new sampling methodology provided more accurate numbers and affected governmentwide statistics.

Source: ISOO

ISOO believes that 10 percent to 18 percent of all original classification decisions could be marked for automatic date or event declassification. ISOO officials stated that overuse of the OADR designation stems from two primary factors: convenience and overcaution. Classifiers view OADR as convenient because it can be applied quickly and without question—penalties for misuse have not been applied. They also use OADR because there is less risk of premature disclosure of information vital to national security. ISOO reports stated that proper use of OADR is an area that must be improved for the classification system to perform credibly.

The results of our analysis of classified documents at OUSD/P and the State Department Bureaus showed similar low usage of a date or event. In the two State Bureaus, none of the 225 documents we reviewed were marked with a date or event; 210 (93 percent) were marked OADR, and 15 (7 percent) were not properly marked for declassification. Pursuant to our questions, Bureau staff agreed that 35 of the documents could have been marked with a date or event. In OUSD/P, 11 of 120 documents (9 percent) we reviewed were marked with a date or event, 97 (81 percent) were marked OADR, and 12 (10 percent) were not marked. OUSD/P staff agreed that nine documents with the OADR designation could have been marked with an event. Staff of both agencies stated that many computers are set to default to the OADR notation, which prevents improperly marking classified documents but, in effect, also extends the life of the classification.

Our analysis also showed that both OUSD/P and Bureau staff used OADR regardless of subject matter. Documents addressing short-lived matters, such as travel plans and personnel appointments, were just as likely to be marked OADR as those addressing long-term issues, such as foreign affairs, intelligence data, or military exercises. The only documents we found with a date or event pertained to security assistance correspondence covered by declassification requirements of the Security Assistance Management Manual and several weekly reviews summarizing classified analysis of worldwide events.

Additionally, we found that 64 of 68 Bureau documents (94 percent) and 49 of the 55 OUSD/P documents (89 percent) containing derivative material inherited OADR from the original source. To the extent that this marking might not have been warranted in the first place, information derived from such documents is also being unnecessarily classified for long periods of time.

Our findings are similar to those found by ISOO in its document reviews at the State Department and OUSD/P. For example, in both 1990 and 1991, ISOO reviews of State Department documents showed that 98 percent of the classified documents examined were marked OADR. In 1988, two ISOO reviews of OUSD/P documents indicated that OADR was used on 91 percent and 77 percent of the classified documents, respectively.

Most Declassification Reviews Occur After 30 Years

National security information not marked with a declassification date or event is usually declassified when requested for mandatory review or under systematic review procedures. Mandatory reviews are conducted by the originating agency and can be initiated upon request by agencies, researchers, historians, and private citizens, or under provisions of the Freedom of Information Act. Under the systematic review process, Executive Order 12356 requires NARA and allows agencies to review classified, permanently valuable archival records to determine if they can be declassified. ISOO Directive No. 1 established 30 years as the minimum age for initiation of most systematic reviews, although it allowed for earlier reviews if the originating agency concurred. Most of these archival records are held in NARA storage facilities since it is responsible for maintaining and making available U.S. government records that have sufficient historic or other value to warrant continued preservation.

ISOO's annual reports show that most of the declassification reviews are conducted pursuant to the systematic review process, or usually 30 years after origination. Only 1 percent to 3 percent of the pages being examined annually for declassification were under the mandatory review process. (See table 2.1.)

Chapter 2
Material Being Retained as Classified Longer
Than Necessary

Table 2.1: Systematic and Mandatory Reviews

Pages in thousands					
Fiscal year	Classified pages examined under				Total pages reviewed
	Mandatory review		Systematic review		
	Number	Percent	Number	Percent	
1984	345.0	3	12,773.6	97	13,118.6
1985	329.9	3	10,442.0	97	10,772.0
1986	176.6	1	16,373.0	99	16,549.6
1987	155.3	1	13,087.7	99	13,243.0
1988	242.8	2	10,436.2	98	10,679.0
1989	131.8 ^a	1	11,208.7	99	11,340.5
1990	140.9 ^a	1	16,254.4	99	16,395.3
1991	139.2 ^a	1	15,698.6	99	15,837.8
1992	233.7 ^a	2	10,715.3	98	10,949.0

^aStarting in 1989, NARA did not report its Freedom of Information Act requests to ISOO as part of its mandatory reviews.

Source: ISOO

Declassification Is a Time-Consuming Process

NARA officials stated that mandatory reviews, even though dealing with a very small percentage of total pages examined, consumed the majority of the time and effort needed to conduct declassification reviews. Since the documents are generally more recent and often contain references to officials and programs still considered sensitive to national security, they require a page-by-page examination. Furthermore, improper portion marking¹ complicates declassification procedures by melding classified and unclassified material. NARA officials pointed out that proper portion marking significantly eases the declassification of historically valuable material.

ISOO and NARA officials stated that systematic review is also becoming a time-consuming process. In the past, these reviews could be conducted either on a document-by-document basis or in bulk, because of age and minimal sensitivity, thus minimizing review time. This was especially true for many World War II records. However, as NARA started reviewing 1950s and early 1960s documents, bulk declassifications became less appropriate and more page-by-page reviews were required. To facilitate the review process, most classifying agencies provided NARA with declassification

¹Portion marking indicates the level of classification, or lack of classification, for each paragraph or section of a classified document. It facilitates excerpting, declassification, and other uses of classified information.

guidance, but it varied in specificity, format, and time coverage. Even with guidance, the originating agency and NARA must review each document and confirm whether the classified material can be declassified. Additional factors slowing the review process are (1) the number of documents containing references to people or programs still in the public eye after 30 years and (2) those thought to contain "exempted" information, such as intelligence and cryptologic data. Agency declassification guidelines can exempt additional categories as well.

Limited Staff Resources for Declassification Work

In its 1990 annual report, NARA stated that the growth in the number of Freedom of Information Act requests for access to classified information forced it to reallocate staff and create a special unit to process them. The reallocation led to a reduction in resources devoted to systematic declassification reviews of records more than 30 years old. Table 2.2 shows that NARA's requested and systematic review activity vacillated between fiscal years 1990 and 1992. Staff assigned to declassification activities decreased from 57 to 46 over the same 3 years.

Table 2.2: NARA Declassification Reviews

Fiscal year	Pages in thousands		
	Classified pages examined		
	Freedom of Information Act requests	Other requested	Systematic
1990	502.9	5,984.2	7,453.9
1991	1,144.5	2,911.0	9,028.4
1992	574.6	3,012.1	6,519.7

Source: NARA

The State Department is also experiencing problems related to completing declassification reviews. The Foreign Relations Authorization Act, Public Law 102-138, enacted October 28, 1991, requires the State Department to declassify all permanent, historically valuable records 30 or more years old within 1 year. Four classes of records, generally those dealing with weapons technology, confidential sources, diplomatic negotiations, and personnel data, are exempt. NARA statistics showed that the State Department has about 18 million pages waiting for systematic review. State officials said that meeting the deadline is beyond their current resource capability.

Backlog of NARA Records to Be Systematically Reviewed

Despite the millions of pages that NARA reviews systematically each year, a substantial backlog exists. NARA reported that as of October 15, 1992, it had about 304 million pages and 4,631 rolls of microfilm to review for declassification. (See table 2.3.)

**Table 2.3: NARA Holdings Awaiting
Declassification Review**

Age	Number of pages	Rolls of microfilm
Pre-World War II	23,500	0
World War II	28,600,000	4,631
1945 to 1960	275,625,000	0
Total	304,248,500	4,631

Source: NARA

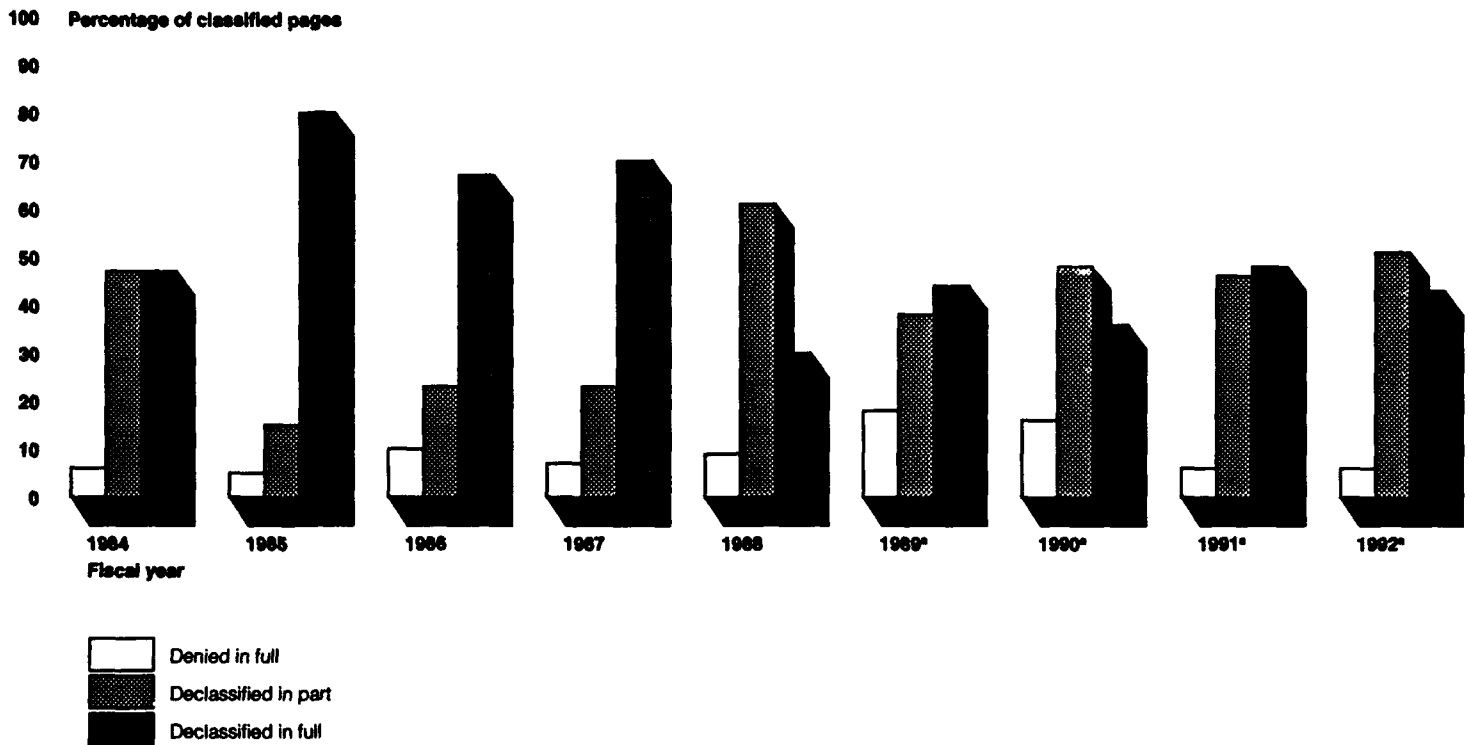
The 304 million pages include both classified and unclassified pages because agencies do not always separate material when transferring it to NARA for storage or as historically valuable records of the United States. As a result, the entire lot must be handled, stored, and reviewed as classified material. NARA estimated that about 10 percent of these holdings are classified, but expects the percentage to grow to about 40 percent of new material in 5 years.

NARA selects records for systematic declassification review based on priorities established after consultation with referencer archivists, research requesters, and user groups. Consequently, NARA concentrates its review efforts on records relating to what it considers to be the more important world and national events, countries, and people.

Long Retention Not Always Warranted

Of the more than 1.9 million pages examined under mandatory reviews from 1984 through 1992, 53 percent were declassified in full and 39 percent were declassified in part. (See fig. 2.2.) Furthermore, another 93 percent of 260,000 pages reviewed again pursuant to appeal were declassified in full or in part during this period. This high percentage indicates that long retention periods prior to declassification may not be warranted.

Figure 2.2: Mandatory Declassification Reviews



*Excludes NARA's Freedom of Information Act declassification requests.

Source: ISOO

The percentage of pages being declassified from historic records under the more frequently used systematic declassification review process has also been high. From 1984 through 1992, more than 77 percent of the 117 million pages reviewed were declassified. In fiscal year 1992, 88 percent of the 10.7 million pages reviewed were declassified. Yearly trends by number of pages are shown in figure 2.3.

Figure 2.3: Systematic Declassification
Reviews



Source: ISOO

ISOO Is Working on Revisions to the Classification System

ISOO officials stated that Executive Order 12356 is working as expected, except that the use of the OADR declassification notation has become routine. In its 1992 Annual Report to the President, ISOO noted that changes to the classification system currently being developed include provisions that have been designed to help resolve this problem. ISOO officials discussed these changes. First, to deal with the buildup of classified information, ISOO is considering means to improve the declassification system, impose a maximum classification duration somewhere between 40 years and 75 years with the right of an agency to designate excepted information, and limit distribution and duplication. Second, ISOO would like to incorporate personal accountability for classification decisions by improving training and appraising adherence to policies and procedures in performance contracts. Third, ISOO is developing governmentwide standards for training and in-house agency inspections. When finalized, agencies would be required to tailor these standards to their specific needs.

Conclusions

Eliminating an overall automatic declassification provision has resulted in extending the life of most classified information for at least 30 years because classifiers are using OADR as a standard practice. Overuse of the OADR designation not only adds to the volume of classified information retained by the government but also increases the work load of those agencies eventually required to review it for declassification. However, the results of mandatory declassification reviews and analysis of the use of OADR suggest that classifiers are missing opportunities to declassify information when national security considerations permit.

We recognize that some information should probably remain classified for indefinite or undefinable periods of time, but we believe that changes to declassification procedures are possible without unnecessarily increasing the administrative burden. Classifiers should use automatic declassification as a standard procedure rather than as the exception to the rule. To facilitate this, a benchmark period for automatic declassification, with properly authorized exceptions, seems warranted. The determination of this period should recognize the criticisms directed toward short retention periods in the past. As such, we believe that the use of a benchmark for automatic declassification, shorter than 30 years but more than 6 years, with justified exceptions, would provide the necessary protection for national security information while enhancing public access to information that no longer affects national security. The automatic declassification benchmark would apply to that information determined to be classified after enactment of an executive order describing such automatic declassification requirements.

Recommendations

We recommend that the Director, ISOO, in coordination with the National Security Council, determine a maximum period of time for automatic declassification and initiate action to revise the executive order governing national security information. To reduce the high volume of classified records maintained by federal agencies, we recommend that the executive order should

- eliminate authorization for the use of undefined declassification designators such as OADR;
- require agencies to automatically declassify national security information without review on a specific date or event, or no later than the maximum period of time after origination as determined by ISOO;

- establish classes of information that can be exempted from automatic declassification and require agency heads to submit notice to ISOO when such exemptions are invoked; and
- require agency heads to submit written justification for extending classification beyond the maximum period, if deemed appropriate, for any of those categories of information not initially exempted.

Agency Comments

DOD said that since our conclusions and recommendations were based on a narrowly focused review, they may not be relevant to all DOD activities. We recognized in our draft and final report that the documents we reviewed did not necessarily represent the entire universe of documents. Instead, we used the documents to supplement our analysis of executive orders and agency procedures, ISOO reports, and discussions with agency officials. Therefore, we believe that our conclusions and recommendations have broader application.

NARA pointed out that the recommendations will affect documents to be created and that the burdensome process of reviewing and declassifying previously classified documents is a problem that also needs to be addressed. It also said that the exemptions to automatic declassification should be minimal and that the classifying agencies should be required to segregate exempted material from nonexempt material to reduce the time-consuming declassification review process. We believe that NARA's points have considerable merit. We recognize that our recommendations do not resolve the burden of reviewing and declassifying previously classified documents, but we believe it is important that the government initiate changes now to minimize the degree of this burden in the future. Further, we agree that exemptions should be held to a minimum, but we recognize that exemptions will be essential for the proper protection of various types of information. Regarding the segregation of material for NARA's review, we would expect that records management procedures would be implemented to accommodate changes in classification procedures.

On April 26, 1993, the President issued a directive tasking ISOO to coordinate a review of Executive Order 12356 and other orders relating to the protection of national security information. ISOO's objective is to draft a new executive order that reflects the need to classify and safeguard national security information in the post Cold War period, including steps to declassify information as quickly as possible.

Improper Classification

Although the criteria established by Executive Order 12356 and ISOO Directive No. 1 are generally adequate to ensure proper classification, many classifiers do not apply them properly. ISOO reviews and our analysis of classified documents show that unwarranted classification, inappropriate portion marking, and marking errors occur fairly often. As a result, some information is being overclassified, including some that should not be classified. Overclassification and the derivative classification continued from improperly classified documents unnecessarily increase the volume of classified material being maintained by the federal government.

Unwarranted Classification

ISOO reports annually on the extent of overclassification. In 1992, ISOO stated that its random review of 10,933 classified documents revealed that 1.5 percent should not have been classified and another 1.4 percent contained portions that were unnecessarily classified. It also found additional documents, about 2 percent, wherein the need for classification was questionable and others that contained information classified at a higher level than justified. In 1991, ISOO found a higher incidence of clear-cut and partial overclassification. It reported that its review of 8,418 classified documents revealed that 2.6 percent should not have been classified and another 4.2 percent contained portions that were unnecessarily classified. In addition, ISOO found an overclassification rate of 14 percent in four of its most recent document reviews at the Department of State. We found similar occurrences.

At the Department of State, Bureau staff agreed with us that 13 of the 225 documents we reviewed (6 percent) should not have been classified, and we believe that another 33 (15 percent) were questionably classified. We also believe that 10 of the 120 OUSD/P documents (8 percent) were questionably classified. OUSD/P staff agreed with us that two other documents (2 percent) should not have been classified. Most dealt with travel or personal security.

In analyzing our documents and discussing classification procedures, we found no evidence to indicate that OUSD/P or State respondents asked for clarification as to whether documents should be classified but routinely classified them. In most cases, the decision to classify questionable material was not challenged. Executive Order 12356 directs that doubts regarding classification or level of classification be resolved by first classifying the information or using the higher level and then requesting an original classification authority to make a final determination within

30 days. ISOO officials stated that they have seen little evidence indicating use of the 30-day resolution procedure. As a result, we believe questionably classified material remains classified for extended periods, contributing to unnecessary classification growth.

Improper Portion Marking

The 1982 executive order allowed agency heads to waive portion marking without ISOO approval. ISOO officials stated the change itself had little impact on the volume of classified information. However, they said improper use of the portion marking waiver has not only increased the amount of original classified material itself, but had also perpetuated the amount of unwarranted classification when the material is used in subsequently prepared documents.

The State Department has had a portion marking waiver since 1982. ISOO officials stated that State Department staff misuse the waiver by applying it to information outside the definitions cited in the waiver. For example, the waiver is only to be used on documents with little opportunity for external distribution and derivative use. However, we found that Bureau staff do not portion mark most documents, regardless of destination and use. None of the 100 correspondence documents we reviewed were portion marked and only 13 of the 125 cables were portion marked. As a result, other agencies that derive information from these documents may classify unclassified material, thereby perpetuating the growth of unnecessary classification.

An ISOO official stated that because of long-standing State Department misuse of its portion marking waiver, ISOO records the number of State Department documents that lack portion marking as a marking discrepancy during its document reviews. For example, ISOO reported in 1990 that only 5.4 percent of 691 classified State Department documents reviewed were properly portion marked or did not require portion marking because they were only one paragraph long. There were 29.1 percent not portion marked and 65.5 percent marked "entire text classified," but more than one-third of these included portions that did not appear to meet classification criteria and could have been considered overclassified.

Marking Errors

Executive Order 12356 and ISOO Directive No. 1 describe the procedures for proper handling and marking of classified documents. These include stamping the classification level on the top and bottom of each page, portion marking, identifying the classification authority, and indicating

when to declassify the document. In 1992, ISOO reported that federal agencies continued to improperly mark classified documents at an excessively high rate. For example, ISOO found a total of 2,878 discrepancies on the 10,933 documents it reviewed. The most common marking errors included a lack of portion marking, other marking errors, inappropriate declassification instructions, and failure to identify multiple sources when appropriate. ISOO attributed the discrepancies, most of which were found in a few agencies, to a lack of support and commitment by senior officials to the classification program.

In our review of OUSD/P and Bureau documents, we found marking errors similar to those reported by ISOO. In OUSD/P, 25 of the 120 classified documents had one or more errors, and 15 of these 25 were attributable to errors in attachments that had been derived from other sources. The most common errors were lack of portion marking (19 documents), absence of a declassification notation (13), and absence of the classification authority (9). In the State Department, 51 of 225 documents had a marking error. The most common error, found on 29 documents, was omitting the identity of the classifier on derivative documents. In addition, 13 documents were not stamped for declassification; 7 were marked confidential when they had secret attachments; 1 had both OADR and a date for declassification; and 1, a diplomatic note, had no markings. We did not count lack of portion marking as an error because of its improper application at the Department.

In addition, some of the 225 State Department documents we reviewed were memorandums or cover letters with classified attachments. Eight of these documents should have been stamped "UNCLASSIFIED WHEN CLASSIFIED ENCLOSURE IS REMOVED" as required in State Department regulations; 11 others had questionably classified material in the cover memorandums. The incorrect marking of these documents will result in unwarranted classification if they are used derivatively.

Conclusions

The use of a portion marking waiver is not properly controlled at the State Department. Inappropriate use of portion marking waivers extends classification over information that is not vital to national security and exacerbates declassification reviews. Derivative use of such improperly marked information magnifies the problems and contributes to unnecessary growth of classified material.

With regard to overclassification and unwarranted classification, we believe that appropriate procedures and requirements exist but that classifiers need to be more aware of and give attention to their proper application. Enhanced training is one possible remedy, and this subject is discussed in chapter 4.

Recommendations

We recommend that the Director, ISOO, subject to the approval of the National Security Council, initiate action to revise the executive order to require that agencies obtain authorization from ISOO before invoking waivers to the portion marking requirement. In the meantime, we recommend that the Secretary of State require that the Department's classifying officials apply its current waiver only to internal documents as authorized.

Agency Comments

The Department of State noted that it has recently added a portion marking instruction to its Foreign Affairs Manual that lists no exemptions from the portion marking requirement.

Limited Training on Proper Classification Procedures

Executive Order 12356 and ISOO Directive No. 1 require each agency that creates or handles national security information to establish its own security education program, which should encompass initial, refresher, and termination briefings. ISOO has concluded that many agencies' training programs are insufficient to instill the fundamentals of classification and marking of national security information. ISOO's annual reports describe the many deficiencies it has found regarding the classification and marking of documents. Our analysis identified many of the same problems and, during our discussions, many classifiers demonstrated a lack of awareness of classification criteria and authority.

Low Emphasis on Training

In both OUSD/P and the State Department, information security training is not a very high priority. A DOD official stated that budget cuts and lack of attendance by OUSD/P staff led to the termination of formal classroom training 2 years ago. OUSD/P training now consists of staff certifying in writing that they read the Security Refresher Briefing annually. A supplement to DOD Regulation 5200.1-R also requires people with classification authority to view a film on security classification and their responsibilities as classifiers. Office of the Secretary of Defense staff acknowledged that annual certifications do not teach or reinforce information security policies and procedures. The Security Refresher Briefing contains 44 units—9 units address information security and 35 deal with physical or personnel security. Of 29 Office of the Secretary of Defense training films, 2 discuss information security and 27 discuss physical security or espionage. An OUSD/P official acknowledged that security training is not a very high priority due to security staff reductions, high turnover in security managers' positions, and difficulty in obtaining funds to buy sufficient copies of the Security Refresher Briefing to distribute to staff.

State Department officials provided a list of 19 information security briefings that were available to all Department staff and conducted a total of 189 times in 1991. Sixteen of the briefings were directed to functional groups, such as new employees, foreign service officers, clerical and administrative staff, and guards; 3 addressed generic topics such as refresher training or top secret control. However, in discussions with 53 European Bureau staff members, only 1 staff member recalled attending more than 1 training session on information security since joining the Department. Most recalled receiving information security training once, some as part of an entry level training program for civil service and others as part of an orientation for new Foreign Service

Officers. A Politico-Military Bureau security officer stated that he had never attended the refresher briefing but relied on his prior experience to perform assigned security functions.

Limited Training Evident in Staff Knowledge of Information Security Policies

Lack of awareness of security policies and procedures was evident in our discussions with Bureau and OUSD/P staff. For many, classification has become an administrative burden. Bureau staff misunderstood classification authority and had a poor understanding of classification criteria. For example, 59 of the 84 Bureau staff who prepared the documents we reviewed indicated that they had original classification authority when they did not. Some staff assumed that original classification authority was equivalent to a security clearance. Furthermore, 41 of the 84 Bureau respondents were not aware of nor did they recognize any classification criteria. Many Bureau staff used experience and judgment in making classification decisions rather than the established criteria in the executive order and implementing instructions.

Both Bureau and OUSD/P staff disregarded the long-term impact of inappropriate use of OADR. As discussed in chapter 2, most classifiers used OADR as a convenient and standard procedure for most subjects and documents when determining declassification. ISOO has reported that decreased use of OADR is necessary for the classification system to perform credibly.

ISOO has also found problems in agencies' security training programs. ISOO Directive No. 1 states that training objectives are to familiarize all necessary personnel with the provisions of Executive Order 12356 and its implementing regulations and to impress upon staff their individual security responsibilities. However, ISOO officials stated that many agencies offer limited training that addresses the general features of the classification system and emphasizes safeguarding requirements but that they do not adequately cover the fundamentals of proper classification and marking of national security information.

Conclusions

OUSD/P and Bureau staff receive limited information security training and are unaware of the long-term impact that inappropriate classification actions have on the growth and life of classified material. Minimal security awareness training contributes to misuse of the system and fosters a widespread attitude that classification is an excessive administrative

burden. We recognize that budget cuts have reduced the amount of training available, but we believe that it is important that the Departments of Defense and State emphasize the importance of training to ensure that staff are aware of the policies and procedures governing national security information.

Since we are proposing changes to the classification system policies and procedures that should make government officials more aware of the long-term impact of their decisions and ISOO plans to establish governmentwide training standards, we are not making any specific recommendations regarding training.

Selection of Classified Documents for Review

We reviewed classified documents prepared by the Office of the Under Secretary of Defense for Policy (OUSD/P) and the Bureaus of European and Canadian Affairs and Politico-Military Affairs in the Department of State. Our objective was to determine why the documents were classified and to review them for adherence to appropriate policies and procedures. Criteria governing our selection were (1) recency, to ensure sensitivity of the subject matter and availability of preparers, and (2) outgoing documents, to ensure OUSD/P and State Department responsibility for originating the information and its preparation. We interviewed the preparer of each document and asked questions about five issues:

- why the document was classified;
- what criteria were used to classify the information;
- who had authority to classify the document;
- what the reason was for the declassification notation; and
- why the document was improperly marked, if relevant.

In some cases, the preparer of the document was not available to answer our questions. In these situations, we directed our questions to the preparer's supervisor or another person with knowledge of the document's contents.

In OUSD/P, we selected documents from the Communications Management Division's central file, which maintains all official correspondence. We selected 147 classified documents filed during February and March 1992. The number used in our analysis decreased to 120 documents—16 cables, 83 memos, and 21 letters—after we discarded duplicate, unclassified, and other documents mistakenly included in the original selection. Of the 120 documents, 39 were secret and 81 were confidential. OUSD/P officials told us that units did not originate any outgoing top secret documents during February or March 1992. Subjects considered in the documents were security assistance (50), foreign policy (27), personnel (14), travel (13), meetings or meeting results (8), intelligence (3), military exercises (3), and miscellaneous (2). To ensure that the central file contained classified documents representative of OUSD/P's work, we reviewed chronological files maintained by three of the OUSD/P units.

At the State Department, we selected 131 European and Canadian Affairs and 94 Politico-Military Affairs documents from the automated file maintained by the Bureau for Diplomatic Security for all State Department organizations. The staff provided a printout of the number of classified and unclassified documents, by level, prepared by the two Bureaus in

February 1992. Politico-Military Affairs prepared 186 classified and unclassified documents and cables in February 1992. We reviewed all 94 classified cables and correspondence—72 cables, 21 memorandums, and 1 diplomatic note. By classification level, there were 33 secret and 60 confidential documents; the diplomatic note was not marked. Officials stated that Politico-Military Affairs did not originate any top secret documents in February 1992. Subjects covered included foreign policy (65), security assistance (13), administrative (12), proprietary information (3), and military exercises (1).

European and Canadian Affairs originated 186 classified and unclassified documents and 1,146 classified and unclassified cables in February 1992. We selected a total of 132 documents for review. This included all 78 classified correspondence documents. We also extracted 53 classified cables from a total of 405. By classification level, there were 17 secret and 114 confidential documents in our selection. Officials stated that the Bureau did not originate any top secret documents in February 1992. Subjects included foreign policy (112), official/informal issues (5), travel (5), administrative (3), security assistance (2), intelligence, military exercises, meeting minutes, and internal deliberative process (1 each).

Agency officials considered the documents we reviewed as typical of each unit's written and telegraphic correspondence. However, the documents do not necessarily represent the entire universe because of the restricted time frame from which they were drawn. Therefore, we used the results of this review as examples to supplement our analysis of executive orders and agency procedures, ISOO reports, and discussions with agency officials.

Comparison of Executive Orders

Element	Executive Order 12356 April 6, 1982	Executive Order 12065 July 3, 1978	Executive Order 11652 March 8, 1972	Executive Order 10501 November 5, 1953
Levels of classification				
Unauthorized disclosure could reasonably be expected to cause:				
Top secret	• exceptionally grave damage.	• exceptionally grave damage.	• exceptionally grave damage (with examples).	• exceptionally grave damage (with examples).
Secret	• serious damage.	• serious damage.	• serious damage (with examples).	• serious damage (with examples).
Confidential	• damage.	• identifiable damage.	• damage.	• prejudice to national defense interests.
Reasonable doubts	Classify data; use higher level.	Do not classify data; use less restrictive level.	No comment.	No comment.
	Implement 30-day review period to resolve.	No comment.	No comment.	No comment.
Classification authorities	President, agency heads and officials; minimum number of delegations.	President, specific agency heads and officials; delegations only to those with frequent need and kept to an absolute minimum.	Minimum number of specific agencies cited; officials designated by the President.	Only agencies with defense responsibilities; severely limited delegations; officials designated by the President; by amendment, specific agencies.
Categories of classifiable information	Same as Executive Order 12065 plus vulnerabilities and capabilities of systems, installations, projects, or plans related to national security; cryptology; and confidential sources. Unauthorized disclosure must also be determined to cause at least damage to national security.	Military weapons, plans operations; foreign government information; intelligence activities; foreign relations; science, technology, economy; nuclear materials and facilities; other information as determined by officials. Unauthorized disclosure must also be determined to cause at least identifiable damage to national security.	Not specified; examples provided in top secret and secret definitions.	Not specified; examples provided in top secret and secret definitions.

(continued)

**Appendix II
Comparison of Executive Orders**

Element	Executive Order 12356 April 6, 1982	Executive Order 12065 July 3, 1978	Executive Order 11652 March 8, 1972	Executive Order 10501 November 5, 1953
Markings	Level; classification authority; office of origin; declassification date, event, or OADR; portion marking. Agency head can authorize portion marking waiver.	Level; classification authority; office of origin; date or event for declassification; reason for prolonged classification; portion marking. ISOO can authorize portion marking waiver.	Level; classification authority; office of origin; application of general declassification schedule; portion marking, as practical; date of preparation.	Level; declassification.
Limitations (nonclassifiable information)	Same as Executive Order 12065; drops nongovernment proprietary interest.	Violations of law; inefficiency; administrative error; embarrassment; restraint of competition; delay or prevention of disclosure of information that does not require protection; basic scientific research; nongovernment proprietary interest.	Inefficiency; administrative error; embarrassment; competition; unnecessary and overclassification.	Unnecessary and overclassification.
Special access programs	Needed to control access, distribution, and protection of particularly sensitive information.	Needed to control access, distribution, and protection of particularly sensitive information; automatic termination unless renewed under provisions of order.	Special requirements for access, distribution, and protection of classified information, including that related to intelligence and cryptology.	No comment.
Duration	As long as required by national security considerations; when possible, use date or event; automatic declassifications under prior orders remain valid unless extended. Per ISOO directive, when date or event for automatic declassification cannot be determined, use OADR.	Set a date or event for automatic declassification no more than 6 years after origination. Top secret classification authorities or agency heads may set a date or event or a date for review, as early as national security permits, but no more than 20 years after origination, except that foreign government information may extend to 30 years.	No comment.	No comment.

(continued)

Appendix II
Comparison of Executive Orders

Element	Executive Order 12356 April 6, 1982	Executive Order 12065 July 3, 1978	Executive Order 11652 March 8, 1972	Executive Order 10501 November 5, 1953
Declassification	As soon as national security considerations permit; by the originator or replacement.	As early as national security considerations permit; by the originator or replacement.	General declassification schedule: periodic downgrades until declassified; four exempted categories of information allowed with automatic declassification at 30 years unless further exempted.	Five groups of data are exempt from automatic downgrade or declassification; one group can be automatically downgraded but not declassified; one group declassified after 12 years.
Systematic review	Review classified accessioned records and presidential papers, as per ISOO directive, as they become 30 years old, except intelligence data will be reviewed as it becomes 50 years old.	Review permanently valuable records at 20 years; designated officials may extend classification beyond 20 years by setting a date, or date for review, no more than 10 years later. Subsequent reviews may be set at no more than 10-year intervals. Special procedures may be established for cryptologic and intelligence data. Foreign government data will be reviewed at 30 years.	Information classified before this order and more than 30 years old will be systematically reviewed for declassification by the Archivist. The Archivist will continue protection of exempted material specified in paragraph above.	No comment.
Mandatory review	At the request of citizens, permanent resident aliens, or federal, state, and local governments; Freedom of Information Act requests; presidential, intelligence, and cryptologic data are under special procedures.	At the request of a member of the public, government employee, or agency; Freedom of Information Act requests; presidential information less than 10 years old is exempt.	Upon request, exempted material at least 10 years old.	No comment.

Comments From the Information Security Oversight Office



Information Security Oversight Office
750 17th Street, NW., Suite 530
Washington, DC 20006



April 2, 1993

Dear Mr. Conahan:


Subject: Comments on Draft General Accounting Office (GAO)
Audit Report "NATIONAL SECURITY INFORMATION:
Volume Could Be Reduced by Changing Retention Policies"

The Information Security Oversight Office (ISOO) appreciates very much the opportunity to comment on the subject report. Overall, ISOO finds that the results of your review match very closely our experience in monitoring the classification system. The report is balanced and, for the most part, accurate. ISOO has commented repeatedly on many of the same problems that GAO has noted. This report will help us as we discuss the future of the classification system with officials of the new Administration.

At the enclosure we provide specific comments concerning the report. Unless otherwise stated, these comments relate to accuracy and clarity and are not intended to be critical of the report's findings. We would like to make one general comment. Throughout the report, GAO talks about the "volume" of classified information without clarifying the sources of that volume. Volume is a physical aspect of classified information about which ISOO neither collects nor reports data. In ISOO's view, however, the volume of classified information includes three very distinct groups: (1) original classification decisions, which constitute a very small fraction of the total volume; (2) derivative classification decisions, significantly greater in number than original decisions, but still a small percentage of the total volume; and (3) duplications or copies of classification decisions, which constitute overwhelmingly the largest amount of the total volume.

If you have any questions concerning our comments, please call us at (202) 634-6150.

Sincerely,


Steven Garfinkel
Director

Mr. Frank C. Conahan
Assistant Comptroller General
General Accounting Office
441 G Street, N.W.
Room 5055
Washington, D.C. 20548

Enclosure

Federal Recycling Program  Printed on Recycled Paper

Comments From the National Archives and Records Administration

National Archives



Washington, DC 20408

APR 2 1993

Mr. Frank C. Conahan
Assistant Comptroller General
National Security and
International Affairs Division
General Accounting Office
Washington, DC 20548

Dear Mr. Conahan:

We have reviewed the draft report on the classification system for national security information (GAO Code 463818). The recommendations contained in the draft report are valid ones, but will not alleviate NARA's declassification problems.

Automatic declassification will not significantly reduce the volume of national security information requiring time-consuming item-level declassification review unless the recommended executive order mandates that documents containing exempted information be filed separately from documents subject to automatic declassification. This requirement would be similar to procedures in place where compartmented classified material is stored separately.

We suggest, therefore, that the recommendation in chapter 2 be modified to include a provision that exempted information be filed separately from information subject to automatic declassification.

We would also like to point out that, for records created under the current or previous Executive Orders, automatic declassification can only be accomplished if there are minimal exemptions. Otherwise, either item level review will continue to be needed or entire series of records will have to be retained until exempted material is no longer sensitive. This will perpetuate the problem GAO is attempting to solve with these recommendations.

We suggest that the proposed system of providing notice to ISOO that an exemption has been invoked be changed to a system whereby waivers from automatic declassification would be made on a document-by-document basis. If all the documents in a file fall within an exempted category, an exemption may be granted at the file level.

National Archives and Records Administration

Now on p. 24.


**Appendix IV
Comments From the National Archives and
Records Administration**

2

Let me take this opportunity to express my conviction that the entire system of classification and declassification must be reformed. The Federal government can no longer afford or support a system so costly, laborious, and time-consuming. The revisions proposed by GAO will affect primarily documents to be created, not the millions of pages already classified and filed. The latter problem must be addressed as well, or we face the prospect of maintaining the classified paper mountain well into the next century.

If you have any questions about our comments, please call John Constance on 202-501-5110.

Sincerely,


TRUDY HUSKAMP PETERSON
Acting Archivist
of the United States

Comments From the Department of Defense



COMMAND, CONTROL,
COMMUNICATIONS
AND
INTELLIGENCE

ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, D.C. 20301-3040

April 12, 1993

Mr. Frank C. Conahan
Assistant Comptroller General
National Security and International
Affairs Division
U.S. General Accounting Office
Washington, D.C. 20548

Dear Mr. Conahan:

This is the Department of Defense (DoD) response to the General Accounting Office (GAO) draft report, "NATIONAL SECURITY INFORMATION: Volume Could Be Reduced By Changing Retention Policies," dated March 8, 1993 (GAO Code 463818/OSD Case 9343). The Department generally concurs with the GAO report.

The DoD acknowledges that improvement in the Information Security Program is required. However, it is important to note that returning to a security classification system that features automatic downgrading and/or declassification is not without peril. Some 30 years of experience with past systems has generated mixed success.

It should also be recognized that the GAO report conclusions and recommendations are based on its review of one activity in the Office of the Secretary of Defense and the Department of State. Accordingly, the conclusions and recommendations may not reflect the circumstances in, and implementation considerations of, each of the DoD Components.

The Department appreciates the opportunity to comment on the draft report.

Sincerely,


Charles A. Hawkins, Jr.
Acting

Comments From the Department of State



United States Department of State
Chief Financial Officer
Washington, D.C. 20520-7427


APR 19 1993

Dear Mr. Conahan:

Thank you for the opportunity to comment on your draft report, "NATIONAL SECURITY INFORMATION: Volume Could Be Reduced by Changing Retention Policies," GAO/NSIAD-93-127, GAO Job Code 463818. Comments are enclosed.

If you have any questions on this issue, please call Sheryl Adams, DS/POL/PPD, at 663-1367.

Sincerely,


Roger R. Gamble, Acting

Enclosure:
As stated.

cc:
GAO - Ms. Schmidt
State - Mr. Mulvey
Ms. Adams

Mr. Frank C. Conahan,
Assistant Comptroller General,
National Security and International Affairs,
U.S. General Accounting Office.

Appendix VI
Comments From the Department of State

GAO Draft Report:
"NATIONAL SECURITY INFORMATION: Volume Could
Be Reduced by Changing Retention Policies,"
GAO/NSIAD-93-127, GAO Job Code 463818

The Bureau of Diplomatic Security has reviewed the GAO Draft Report in detail, and finds GAO's report to be consistent with our observations of the classification system.

The Bureau's Office of Procedural Security has begun conducting Information Security Reviews (INFOSEC) of the bureaus and posts, and hopes these reviews will help to correct the deficiencies cited by GAO. We have conducted eight INFOSEC Reviews this year, but, unfortunately, have not yet reviewed the Bureau of European and Canadian Affairs (EUR) or the Bureau of Politico-Military Affairs (PM). EUR is scheduled for a review in May of this year, and PM in FY 94.

The draft report includes a recommendation that the Secretary restrict application of the Department's current waiver of portion marking requirements. Such a restriction has been incorporated in Department's new Information Security regulation, 12 FAM 1041.6 (attached), dated February 27, 1993, which lists no exemptions from the portion-marking requirement.

Attachment:

12 FAM 1041.6

Appendix VI
Comments From the Department of State

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TL:DS-24; 2-27-93

1041.6 Portion Marking

(TL:DS-24; 2-27-93)
(Uniform State, AID, ACDA, OPIC, TDP,
Treasury, USIA)

a. Mark each section, part, paragraph, or similar portion of a classified document to show the level of classification of the information contained in or revealed by it, or that it is unclassified. Mark portions of documents in a manner that eliminates doubt as to which portions contain or reveal classified information. Classification levels of portions shall be shown by the appropriate classification symbol placed immediately following the portion's letter or number, or immediately before the beginning of the portion. Use the symbols "(TS)" for Top Secret, "(S)" for Secret, "(C)" for Confidential, and "(U)" for Unclassified.

b. Mark subjects and titles by placing a parenthetical designation following the subject or title. If a subject or title requires classification, an unclassified identifier may be assigned to facilitate reference. In all cases, assume titles of classified or controlled telegrams or documents are unclassified unless the symbol "(TS)," "(S)," or "(C)" appears after the title.

c. Clearly mark illustrations, photographs, figures, graphs, drawings, charts, and similar portions of classified documents to show their classification. Do not abbreviate such markings, but ensure that they are prominent and placed within or contiguous to the portion. Mark captions of such portions on the basis of their content alone by placing the appropriate symbol immediately preceding the caption.

d. When appropriate, include certain specific warning notices. For example, the symbol "NOFORN" for No Foreign Dissemination may be added, as in "(S-NOFORN)" or "(C-NOFORN)."

1041.7 Omitted Markings

(TL:DS-00 00-00-00)
(Uniform State, AID, ACDA, OPIC, TDP,
Treasury, USIA)

Information assigned a level of classification under predecessor orders is considered as classified at that level of classification despite the omission of other required markings. Omitted markings may be inserted by the official who authorized the original classification, the originator's successor, a supervisory official of either, or officials delegated such authority by the Agency Head or Senior Agency Official.

1041.8 Classification Authority

(TL:DS-00 00-00-00)
(Uniform State, AID, ACDA, OPIC, TDP,
Treasury, USIA)

a. Original Classification Authority. If all information in a document or material is classified as an act of original classification, the classification authority who made the determination must have classification authority commensurate with the level of the classification of the document. If the name of the classification authority does not appear on the document, identify his or her name and title on the "CLASSIFIED BY" line. On telegrams, the E.O. 12356 line shall include the information required on the "CLASSIFIED BY" line.

b. Derivative Classification Authority:

(1) If the classification of all information in a document or material is derived from a single source (for example, a source document or classification guide), the "CLASSIFIED BY" line shall identify the source document or classification guide, including its date when necessary to ensure positive identification.

(2) If the classification of information contained in a document or material is derived from more than one source, from more than one source document, classification guide, or combination thereof, mark the "CLASSIFIED BY" line "MULTIPLE SOURCES" and maintain identification of all such authorities and sources with the file or record copy of the document. A document derivatively classified on the basis of a source document marked "CLASSIFIED BY: MULTIPLE SOURCES" shall cite the source document in its "CLASSIFIED BY" line rather than the term "MULTIPLE SOURCES."

1041.8-1 Agency and Office of Origin

(TL:DS-24; 2-27-93)
(Uniform State, AID, ACDA, OPIC, TDP,
Treasury, USIA)

If the identity of the originating agency and office is not apparent on the face of the document, place it below the "CLASSIFIED BY" line.

1041.8-2 Declassification and Downgrading Instructions

(TL:DS-24; 2-27-93)
(Uniform State, AID, ACDA, OPIC, TDP,
Treasury, USIA)

a. Show declassification and, as applicable, downgrading instructions as follows: